

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Parts 1, 21, 73, 74 and 101 of)	WT Docket No. 03-66
the Commission's Rules to Facilitate the)	RM-10586
Provision of Fixed and Mobile Broadband)	
Access, Educational and Other Advanced)	
Services in the 2150-2162 and 2500-2690)	
MHz Bands)	
)	
Part 1 of the Commission's Rules - Further)	WT Docket No. 03-67
Competitive Bidding Procedures)	
)	
Amendment of Parts 21 and 74 to Enable)	MM Docket No. 97-217
Multipoint Distribution Service and the)	
Instructional Television Fixed Service)	
Amendment of Parts 21 and 74 to Engage in)	
Fixed Two-Way Transmissions)	
)	
Amendment of Parts 21 and 74)	WT Docket No. 02-68
of the Commission's Rules With Regard to)	RM-9718
Licensing in the Multipoint)	
Distribution Service and in the)	
Instructional Television Fixed Service for the)	
Gulf of Mexico)	
)	
Promoting Efficient Use of Spectrum Through)	WT Docket No. 00-230
Elimination of Barriers to the Development of)	
Secondary Markets)	

**COMMENTS OF
GILA RIVER TELECOMMUNICATIONS, INC.**

I. INTRODUCTION AND SUMMARY

Gila River Telecommunications, Inc. (GRTI) hereby submits its comments in response to the Commission's Further Notice of Proposed Rulemaking (FNPRM) in the above-referenced proceeding. In its FNPRM, the Commission considers what further actions may be necessary to achieve potential benefits of the new band and service rules,

such as deployment of new broadband services throughout the entire band. Furthermore, the Commission seeks comment on whether their small business provisions are sufficient to promote participation by businesses owned by minorities and women, as well as rural telephone companies.

II. GILA RIVER TELECOMMUNICATIONS, INC. BACKGROUND

GRTI was established on July 6, 1988 for the purpose of providing the Gila River Indian Community with a wide variety of telecommunications services. GRTI currently serves over 3,500 lines and is a rural telephone company as defined in 47 U.S.C. § 153(47). In accordance with this current docket, GRTI meets the definition of being a “very small business,” having average gross revenues less than \$15 million¹, and agrees with the Commission’s proposal to provide qualifying “very small businesses” with a bidding credit of 25%. Similarly, GRTI urges the Commission to enforce all of the small business and entrepreneur business credits as proposed in the NPRM.

III. AUCTION OF SPECTRUM LICENSES IN THE 2500-2690 MHz BAND

As detailed in the Tribal Government Policy Statement, the Commission is committed to 1) working with Indian tribes on a government-to-government basis to ensure that Indian tribes have adequate access to communications services, and 2) consulting with Tribal governments prior to implementing any regulatory actions or policy that will significantly

¹ In the Matter of Amendment of Parts 1, 21, 73, 74 and 101 of the Commission’s Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, WT Docket No. 03-66, Para 286

affect Tribal governments, their land, and resources.² In addition, the Commission states, "...we seek comment from both Tribal governments and other interested parties on the potential for the spectrum considerations set forth herein to serve the communications needs of tribal communities."³

GRTI agrees with the Commission on the point of "encouraging the highest and best use of spectrum domestically and internationally" and believes the optimum approach is to implement serving area licensing, instead of geographic area licensing, for all licensees in the band. GRTI is somewhat unique in that our reservation, and therefore serving area, is adjacent to Phoenix, Arizona and part of the Phoenix Major Economic Area (MEA).

While GRTI is a local exchange carrier with fewer than two percent of the nation's subscriber lines in the aggregate nationwide (Two Percent Carrier)⁴, this situation could ultimately disadvantage us should the spectrum pertaining to the Phoenix area not be broken out by serving area, thereby giving GRTI a "level playing field" with bigger carriers to bid for the spectrum affecting our reservation. Where public interest policy resides, GRTI is at the forefront of day-to-day issues affecting our reservation and is best suited to address educational concerns using ITFS and MDS platforms while "employing the technologies of their choice."⁵ Congress mandated, and the Commission acknowledges that, in accordance with Section 309(j)(3)(b), the Commission shall promote "economic opportunity and competition...by avoiding excessive concentration of licenses and by disseminating licenses among a wide variety of applicants, including

² WT Docket No. 04-356, Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands, Para 33

³ Ibid

⁴ See 47 U.S.C. § 251(f)(2).

⁵ WT Docket No. 03-66, FCC 04-135, Para 6

small businesses, rural telephone companies, and businesses owned by members of minority groups and women.”⁶ GRTI represents the epitome of this statement and suggests breaking down the 2500-2690 MHz band into serving area components would further promote and assist in our ability to bid for this spectrum.

IV. RURAL SAFE HARBORS

The Commission recognizes the importance of, and encourages, rural build out.⁷ GRTI has reviewed both of the safe harbors contained in the Rural NPRM and materially agrees with the Commission on both accounts. GRTI, due to the challenges it faces both socially and economically, believes the Commission’s proposal, in the context of establishing the substantial services requirements test, of “75% of the geographic area of at least 20% of the ‘rural’ counties within its licensed area” should be re-sized to 50%. As an economically-depressed area, GRTI suggests the capital required to build out its sparsely-populated serving area may create financial hardships should the Commission’s “75%” recommendation be enacted. In addition, since affordability standards are typically associated with lower-income levels on tribal lands, the “50%” threshold is more representative of those entities and tribal inhabitants who can likely pay for wireless broadband or advanced wireless services.

CONCLUSION

For the reasons listed above, GRTI believes the 2500-2690 MHz band licensing should be auctioned according to serving area and not geographic area. This will allow GRTI to

⁶ Ibid, Para 282

⁷ Ibid, Paras 329 & 330

compete with other carriers when bidding for the aforementioned spectrum while not only retaining policy mandates by Congress concerning rural telephone companies but also keeping in accordance with the Commission's Tribal Government Policy Statement.

Respectfully Submitted,

Gila River Board of Directors:

Letha Lamb, Chairman
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Anika Enos, Treasurer
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[Filed Electronically]

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